

**Tucson Unified School District No. 1
Governing Board Special Meeting
Board Room, Morrow Education Center
1010 East Tenth Street
Tucson, Arizona 85719**

**July 30, 2009
5:30 p.m.**

MINUTES

Present:

Judy Burns, President
Mark Stegeman, Clerk
Bruce Burke, Member
Miguel Cuevas, Member [arrived @ 5:39 p.m.]
Adelita S. Grijalva, Member

Also Present :

Elizabeth Celania-Fagen, Ed.D., Superintendent
Bonnie Betz, Chief Financial Officer
Nancy Woll, Interim Chief Human Resources Officer
Rob Ross, Legal Counsel
Maggie Shafer, Assistant Superintendent, Elementary Schools
Jim Fish, Assistant Superintendent, Middle Schools
Edith Macklin-Isquierdo, Assistant Superintendent, High Schools
Chandra Givens, Chief Negotiator and Labor Relations Director, Employee Relations
Brian MacMaster, Director, Technology and Telecommunications Services
Augustine Romero, Director, Student Equity
Sean Arce, Interim Director, Mexican American/Raza Studies
Mary Alice Wallace, Director of Staff Services to the Governing Board
Michele Gutierrez, Senior Staff Assistant I to the Governing Board
Rhonda Bodfield, *Arizona Daily Star*

SPECIAL MEETING CALLED TO ORDER – 5:36 p.m.

ITEM

ACTION

ACTION ITEMS

1. Schedule an executive meeting at this time to consider the following matters –
 - A. Legal advice/instruction to attorney pursuant to A.R.S. §38-431.03 Subsections (A)(3) and (A)(4)
 - 1) Fisher-Mendoza Post Unitary Status Plan

Mark Stegeman moved approval; Adelita Grijalva seconded. Approved 4-0. Miguel Cuevas was not present for the vote.

SPECIAL MEETING RECESSED – 5:37 p.m.

SPECIAL MEETING RECONVENED– 6:41 p.m.

STUDY/ACTION ITEM

2. Consideration of and adoption, in whole or in part, of the Post Unitary Status Plan for Tucson Unified School District

*See attached for the four motions made and actions taken on them related to adoption of the Post Unitary Status Plan.

Bonnie Betz and Liz Fagen presented information on the allocation and use of desegregation funds and the estimated costs of implementing the Post Unitary Plan, and responded to questions.

Cumulative action on the plan was to adopt by a vote of 4-1. Mark Stegeman voted no.

Board members commenting and/or asking questions were Judy Burns, Adelita Grijalva, Miguel Cuevas, Mark Stegeman and Bruce Burke.

Motion 1*

Board members discussing Motion 1 were Miguel Cuevas, Bruce Burke, Mark Stegeman, Judy Burns and Adelita Grijalva. Rob Ross provided legal advice.

Motion 2*

Board members discussing Motion 2 were Adelita Grijalva, Bruce Burke, Judy Burns, Mark Stegeman and Miguel Cuevas. Rob Ross provided clarification of the motion.

ITEM

ACTION

STUDY/ACTION ITEM (continued)

2. Consideration of and adoption, in whole or in part, of the Post Unitary Status Plan for Tucson Unified School District (continued)

Motion 3*

A lengthy discussion resulting in Motion 3 ensued. Board members commenting were Mark Stegeman, Judy Burns, Adelita Grijalva, Bruce Burke and Miguel Cuevas. Liz Fagen and Sean Arce provided information. Rob Ross provided legal advice.

Motion 4*

Board members discussing Motion 4 included Bruce Burke, Mark Stegeman and Judy Burns.


Following action on Motion 4, Board members commenting or asking questions were Miguel Cuevas, Bruce Burke and Judy Burns. Liz Fagen provided information, and Rob Ross provided legal advice.

SPECIAL MEETING ADJOURNED – 8:41 p.m.

*Attached record of motions and actions are made part of these Minutes. Exhibit A referenced in Motion 1 is made part of these Minutes and is on file in the Governing Board office.

Approved this _____ 10th day of _____ November _____, 2009.

TUCSON UNIFIED SCHOOL DISTRICT NO. ONE

By  _____
Mark Stegeman, Clerk
Governing Board

The following actions took place:

2. Consideration of and adoption, in whole or in part, of the Post Unitary Status Plan for Tucson Unified School District

Motion #1

Bruce Burke: I move that we adopt the draft Post Unitary Status Plan presented to us by the Post Unitary Status Plan Committee, including adoption of the District Staff's recommendations with respect to the 16 points of disagreement among the participants in the drafting process, as set forth in the draft, and the additional modifications set forth in this motion. And in addition I move to amend the Post Unitary Status Plan to include a complete Appendix A in the appropriate place at the end of the document. And I will just note that due to some inadvertence, Appendix A was not complete when filed with the court and this will correct the inadvertent error.

This motion is not intended to preclude other proposed changes to this plan; there may well be other motions for proposed changes in additions to these. This motion is made for purposes of initiating the adoption of the final version of the Post Unitary Status Plan.

This motion is made with the understanding and acknowledgement that this is a "plan." As set forth in detail in the Plan, this Governing Board, and future Governing Boards, will have the opportunity to receive and consider the evaluations of the Plan made by an Internal Compliance Monitor, an External Compliance Monitor and by senior staff, as well as input from the public, on at least an annual basis, together with recommendations these individuals may make for changes or revisions to the Plan and to the individual programs to be implemented under the Plan. Based upon these evaluations and recommendations, this or a future Governing Board may from time to time make revisions, amendments and modifications to the Plan as necessary to best implement its underlying goals and objectives.

The changes I propose fall into two categories. Category 1 is a set of essentially technical modifications and changes, proposed to provide clarity with respect to the plan's goals and objectives, and the assignment of responsibilities.

Category 2 addresses essentially legal issues that in my view, and the views of our attorneys, must be changed in order to comply with current law. Into this Category I also add a provision to reinforce the understanding of this board that this Plan is not only a legal document but also a “living” document, adopted with clear understanding that it is subject to periodic review and, as necessary, good faith modification by the Board.

There is a “redline” version of the plan, with these proposed changes, that will be attached to this motion as Exhibit A. What we are going to do is make this document from what I am reading a part of the record as well, so that there is a written version of the motion that I am reading into the record.

So, Category I, we are now going to go through the document the first time. Turn to page 5 for those of you who are looking at the document itself. Under the heading Strategic Student Assignment, second paragraph, strike the second, third and fourth sentences, and replace them with the following:

This two year period will allow the district to gather and analyze the data related to the impact that the pilot plan has on integration across the district. This analysis will inform the final version of the plan, hereafter referred to as the Permanent Plan, that will be developed and approved by the Post Unitary Status Plan Committee. The Permanent Plan will be submitted to the Governing Board by October 1, 2011. The Permanent Plan will include high schools based in part on a comprehensive review of magnet schools and programs to be completed by the district by June 30, 2010.

Now, on to Page 5, under the heading Strategic Student Assignment, Section II:

Insert after the second sentence, the following language:

“We recognize this Plan to be an element of this broader commitment to diversity.”

Now, we are on to page 10, Section X, Monitoring and Compliance: Amend the second-to-last sentence to read as follows:

“Analysis of the pilot assignment plan will be timely so as to assist the Post Unitary Status Plan Committee in its development of the Permanent Plan for student assignment.”

Now, page 13, under the heading Strategic Recruitment, and Placement of Staff, this is Section Roman Numeral I(B)(5):

Strike the second and third sentences of the paragraph, and insert the following language:

In the event of irreconcilable disagreement as to any of such goals, the Superintendent will report to the Governing Board as to the nature of the disagreement and the rationale for a resolution.

Now, page 16, under the heading Intentional Equal Access, Section Roman I(A):

Strike the phrase “traditionally underserved,” and insert the following language after the word students; that phrase reads “who have historically been statistically underrepresented who are” and the sentence continues.

Page 16, under the heading Intentional Equal Access, Section Roman I(B). For those of you who are looking at the written draft, there’s an alternative but I’m going now to suggest the striking of the sentence instead it’s going to read as follows. For those of you looking at the document, there’s a slight change. I’ll begin again, Page 16, Intentional Equal Access, Section I(B).

Insert the word “statistically” prior to the word “underrepresented.”

So now we’ve completed all of Category 1 and we’re almost done. The second Category as I’ve said earlier is under the heading of Legal Issues. So now, we’re turning again to, going back to the beginning of the document, Page 12, under the heading Strategic Recruitment, and Placement of Staff, Section Roman I(B)(2)(b):

Strike all but the first sentence.

On to Page 14, under the heading Strategic Recruitment, Retention, and Placement of Staff, Section Roman II(b)(5):

Strike the entire sentence.

And finally, Page 39, under the heading Annual Monitoring of Progress and Compliance, Section III and we are going to add a new section D, which reads as follows:

“The Governing Board on at least an annual basis...”; Excuse me let me strike that. “The Governing Board shall, on at least an annual basis, review all information and reports compiled by the internal and external compliance monitors and all public comments and input regarding the implementation of the Plan. The Governing Board may at any time make such revisions, amendments and modifications to the Plan as the Governing Board determines are necessary to best meet the underlying goals and objectives of the Plan, and to serve the needs of the District as the Governing Board deems appropriate.”

Motion: Bruce Burke
Second: Miguel Cuevas
Approved 4-1, Mark Stegeman voted no.

Motion #2

Adelita Grijalva: I’m making a motion that I would like to the change Point 9, by striking the first sentence and having the sentence read, “This establishment of this Student Equity Process shall not be done without sixty days public notice of the intent of the board to disestablish the strategy and the board’s reasons therefore, and after at least two public hearings on the matter, each attended by a majority of the Board Members and the Superintendent.”

Motion: Adelita Grijalva
Second: Mark Stegeman
Approved unanimously.

Motion #3

Mark Stegeman: I would move to reconsider the motion by Ms. Grijalva on Point 9.

Motion: Mark Stegeman
Second: Judy Burns
Failed 2-3. Bruce Burke, Miguel Cuevas and Adelita Grijalva voted no.

Motion #4

Bruce Burke: I move the adoption of the following sentence as part of the Post Unitary Status Plan to be placed as appropriate within the document. It reads as follows:

“The annual status report shall also provide data on expenditures related to plan-related programs and shall include such analysis of those expenditures as the board or superintendent may direct the Internal Compliance Officer to prepare. This information and analysis shall be provided for advisory purposes only.”

Motion: Bruce Burke

Second: Adelita Grijalva

Approved 4-1. Mark Stegeman voted no.

Cumulative Action was to adopt the plan 4-1. Mark Stegeman voted no.